



Statement in Support of
House Bill 6687 - An Act Concerning Certificates of Merit
Judiciary Committee

April 1, 2013

The Connecticut Medical Group Management Association submits this statement in strong opposition to House Bill 6687 - An Act Concerning Certificates of Merit. As medical group practice managers we know first-hand the detrimental effect that the current medical malpractice system has had on our practices from the downsizing of practices to the forced retirement of physicians to the practice of defensive medicine to the growing challenges in recruiting and keeping good physicians. Together these issues greatly impact access to care for Connecticut's patients.

Our physicians have lobbied this Committee and the entire legislature for over a decade to enact meaningful comprehensive tort reform. Today we join them to urge you to enact meaningful reform and to not take away one of the very few protections still in place with the medical malpractice system.

House Bill 6687 would erode the certificate of merit system in place in medical malpractice cases by weakening the requirement that the complaint in a medical malpractice lawsuit contain a certificate of merit written and signed from "similar healthcare provider". We cannot stress how important the requirement of a "similar healthcare provider" is. Different medical specialties have different prevailing professional standards of care and practices. It is

unreasonable to think that different specialties would be able to comment on each other. By not requiring that the health care provider be one who is similar, the door swings open to all sorts of frivolous lawsuits as those who are making the decisions on the merits of the case will not be familiar with the actual standard of care that may or may not have been breached.

In addition, this bill eliminates the need for a detailed basis for the formation of an opinion and instead replaces it with the requirement that only one of more specific breaches of the standard of care be stated. The bill also eliminates the automatic dismissal of cases filed without the necessary certificate of merit AND automatically gives plaintiffs a minimum of 60 additional days to file the newly watered down certificate. These changes do nothing to ensure fairness with the system but instead stack the deck in favor of the plaintiff.

We constantly hear about how frivolous lawsuits are take up an exorbitant amount of court time and resources and that the courts are overburdened by meritless claims, yet instead of fixing this problem, this bill attempts to add to it. We strongly urge you not to weaken the few safeguards that are currently in place to guard against frivolous lawsuits. We hope that this Committee will reject this bill.

For more information, please contact:
Mark Schuman, Executive Director
860-243-3977